

CIVIL CASE NO. 1:11cv28

Defendants.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit recommendations for its disposition.

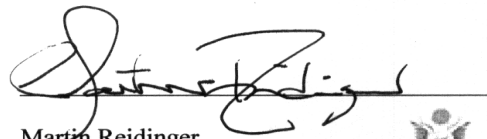
On September 15, 2011, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's motion. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Memorandum and Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby **ACCEPTS** the Magistrate Judge's Recommendation that the Defendant's Motion to Dismiss be denied.

IT IS, THEREFORE, ORDERED that Defendant's T. Alexander Beard's Motion to Dismiss [Docs. 11 and 16] is **DENIED**.

IT IS SO ORDERED.

Signed: October 5, 2011



Martin Reidinger
United States District Judge

